

MONTGOMERY COUNTY GOVERNMENT
ETHICS COMMISSION
100 MARYLAND AVENUE, ROOM 204
ROCKVILLE, MARYLAND 20850
240 777-6670

LOBBYING REGISTRATION FORM AND LOBBYING ACTIVITY REPORT

IMPORTANT: Read directions carefully before completing

GENERAL INFORMATION

Definitions

“Compensation” means any money or thing of value regardless of form, including the sale or delivery of tangible or intangible property that an employer pays or agrees to pay for services rendered. If lobbying is only a portion of a person’s employment, compensation means a prorated amount based on the time devoted to lobbying compared to the time spent on other employment duties.

“Employer” means any person who pays or agrees to pay compensation for services rendered.

“Executive or Administrative action” means any action taken or decision made by any public employee which is not “legislative action”.

“Gift” means the transfer of anything of economic value, regardless of form, without an exchange of consideration of at least equal value.

“Immediate family” means spouse and dependent children.

“Legislative action” means introduction, sponsorship, consideration, debate, amendment, passage, defeat, approval, veto, or any other official action or non-action on any bill, resolution, amendment, nomination, appointment, report, or any other matter pending or proposed in a committee or subcommittee of the County Council, or an matter which is within the official jurisdiction of the County Executive for signature or veto.

“Lobbying” means any attempt to influence any legislative, executive, or administrative action by a County agency.

“Lobbyist” means any individual or organization who spends money or is compensated to influence legislative, executive, or administrative action by a County agency.

“Person” includes an individual or business entity.

“Political contribution” means contributions as that term is defined in Article 33, Section 1-1, Annotated Code of Maryland.

“Public employee” means the County Executive and each member of the County Council: any person employed by a County agency, including the director of the agency; any person appointed by the County Executive or County Council to a board, commission committee, task force or similar body whether or not the person is compensated and whether or not the body is permanent or temporary; any member of the Revenue Authority, Housing Opportunities Commission or the Board of License Commissioners, and any other person providing services without compensation to a County agency if that person exercises any contract administration for an agency or has access to confidential information of an agency that relates to government-funded programs, procurement, or contract administration.

“Public Ethics Law” means the Montgomery County Public Ethics Law as set forth in Chapter 19A of the Montgomery County Code.

“Relative” means the public employee’s siblings, parents, grandparents, children, grandchildren; spouse and the spouse’s spouses of these relatives.

“Reporting period” means a period covered by a lobbying activity report: January 1 through June 30, or July 1 through December 31.

Who Must Register

1. Lobbyist who are not exempt under 19A-21 must register and report.
2. Any person who has expended \$500 or more for compensation of one or more lobbyists in a reporting period.

When to Register

Preferably, prior to commencement of any lobbying activity, and in any event, not later than five (5) days after first performing any act requiring registration, you must register with the Montgomery County Ethics Commission.

Activity Report

Every lobbyist registered for any part of reporting period must file a lobbying activity report for each registration. A lobbyist who receives compensation from and is registered to lobby on behalf of more than one person must file a separate form for each employer. For each lobbying activity, a separate report for that activity must be completed.

When to File

Activity reports must be filed twice each year as follows: July 31 – covering the period from January 1 through June 30; January 31 – covering the period from July 1 through December 31. An activity report must be filed for a reporting period for which a lobbyist is registered even if the lobbyist engages in no lobbying activities and has no reportable compensation or expenses in that period.

Notice of Termination

A lobbyist may file a notice of termination with the Commission within 30 days after ceasing any activity that requires registration and filing the required activity reports. There is no special form for this purpose. The termination and required reports both must be filed within the 30 day period.

Compensation not to be Contingent

A person may not be employed as a lobbyist for compensation that depends on or varies with the success or defeat of any legislative, administrative or executive action by a County agency or upon any other contingency connected with any action of the County Government.

Penalties and Sanctions

Any person who knowingly and willfully violates the lobbying provisions of the Public Ethics law is guilty of a misdemeanor, and upon conviction, is subject to a fine of not more than \$1,000 or imprisonment for not more than six months, or both. Each day upon which the violation occurs constitutes a separate offense. If the person is a business entity and not a natural person, each officer and partner of the business entity who knowingly authorized or participated in the violation is guilty of misdemeanor and, upon conviction, is subject to these same penalties.

DIRECTIONS FOR LOBBYING REGISTRATION FORM

PART A. LOBBYIST INFORMATION

Section 1. Enter the full name and business address of the individual, organization or corporation registering. The address should be one where the person can be reached throughout the year. If the business address changes during the period of registration or before all required reports are submitted, an address change must be mailed to the Ethics Commission.

Section 2. If you are a lobbyist and employ staff to carry out part of the lobbying activity, those individuals must submit their own registration and, in addition, be listed in this section. Additionally, if you are employer, you must list in this section any lobbyist you employ.

Section 3. In this section, the person or organization who employs or compensates the lobbyist should be identified. Enter the complete name and business address as well as the nature of the business.

PART B. LOBBYIST SIGNATURE

This should be the full name of the lobbyist as it appears in PART A, Section 1.a of the form.

PART C. AUTHORIZATION TO ACT (to be completed by employer)

This should be completed by the person or organization named in PART A, Section 3 of the form. If the employer is a corporation, then the authorization shall be signed by an authorized officer or agent who is not the lobbyist.

Section 1. Enter the complete name and address of the individual or corporation authorized to act in behalf of the employer. This should be the name of the lobbyist as it appears in PART A, Section 1.a.

Section 2. Enter the complete name and business address of the employer in the space provided.

Section 3. Indicate the entire period of the time for which the person or organization named in PART C, Section 1 is authorized to represent the employer.

Section 4. Identify the matters to which the authorization will pertain as specifically as possible. Statements such as "any and all matters" are not sufficient. Please use bill numbers, formal designations, or other descriptive references where possible. If the nature of the matters listed substantially change

during the authorization period, then a letter stating the change must be submitted to the Ethics Commission.

Section 5. This should be the signature of the person or authorized officer or agent of the employer indicated in PART C, Section 2.

DIRECTIONS FOR LOBBYING ACTIVITY REPORTS

*****NOTE: Failure of a lobbyist to report any information required by the Public Ethics Law makes the employer immediately subject to the reporting provisions of the law.**

PARTS A – C. Follow directions given for Lobbying Registration Form.

PART D. COMPENSATION AND EXPENSES

Section 1. List here the total expense incurred for meals and beverages for public employees or their immediate families. See definition of “immediate family”.

Do not include in item D-1 expenses for meal and beverages which are part of special events or meetings and which are reported in items D-2 and D-3.

Section 2. List here the date, location, and total expense incurred for each special event to which are invited all members of the Council, or the governing body of any agency. The term “special event” includes such functions as parties, dinners, athletic events, and entertainment. Put the total overall expense for all special events on the line in the column at the right. The names of all public employees who attended must be entered.

Section 3. List here the date, location, and total amount of expenses incurred for food, lodging, and scheduled entertainment of public employees given in return for participation in panels or speaking engagements at meetings. If there is more than one panel or meeting, provide the required information separately for each panel or meeting. Put the total overall expense on the line in the column at the right. The names of all public employees who attended must be entered.

Section 4. List here the total value of all gifts made to or for the benefit of public employees or their immediate families. See definitions of “gift” and “immediate family”. Do not include in item D-4 expenses for meals, beverages, special events, or meetings which are reported in items D-1, D-2, or D-3.

Subtotal of items D-1, 2,3 and 4: add the figures for items D-1, 2, 3, and 4 and enter the total here.

Section 5. List here the total amount of salaries and other compensation paid by the lobbyist to his staff. Include expenses incurred by the staff for which they were reimbursed by the lobbyist.

Section 6. List here the total expense incurred for operating the lobbyist's office in connection with lobbying activities covered by this report. Office expenses include such activities covered by this report. Office expenses include such items as rental, telephone, utilities, transportation, parking, etc. Do not include expenses reported in items D-5 and D-10.

Section 7. List here the total cost of professional and technical research and other assistance in support of the lobbying activities covered by this report. Do not include expenses reported in items D-5 and D-10.

Section 8. List here the total cost of preparing, printing, and distributing publications which expressly encourage people to communicate with officials or employees for the purpose of influencing legislative action (including executive veto or signing of legislation). (See definition of "legislative action".)

Section 9. List here the name of each witness and the fees and expenses paid to each. Put the total amount of fees and expenses paid to all witnesses on the line in the column at the right.

Section 10. List here the total compensation paid to the lobbyist for lobbying activities covered by the report. (See definition of "compensation".) Do not include amounts reported in any other item in Part D. If the lobbying activities covered by Part D are only a portion of the services for which the registrant was compensated by his employer, a prorated amount should be entered here. The proportion of total compensation that should be reported is the proportion of the total time devoted to the lobbyist's employment that is spend on the lobbying activities covered in Part D. For example, if half of the total employment time for the employer is devoted to the lobbying activities covered by Part D, then half of the total compensation from the employer should be reported here. If the reported compensation has been prorated, check the space below item D-10.

Section 11. List here the total amount of all expenses not otherwise reported, incurred in support of the lobbying activities covered by this report.

Total of items D-1 through D-11: Add items D-1 through D-11 and enter the total here.

PART E. BENEFICIARIES OF GIFTS WITH CUMULATIVE VALUE OF \$50 OR MORE

The Public Ethics law required the identification of each public employee or member of his or her immediate family who has benefited from gifts with a cumulative value of at least \$50 given by a lobbyist or anyone acting on his behalf during the reporting period. (See definitions of "Gift" and "Immediate family".) A gift must be included whether or not it was given in connection with a lobbyist's lobbying activities.

Gifts which do not fall within the definition of "Gift" need not be included. Also, expenses in connection with special events and meetings reported in items D-2 and D-3 need not be allocated to individual officials, therefore, those expenses need not be included in the calculations in this part and the beneficiaries of the events need not be listed. Note, however, that expenses for meals and beverages are gifts. All gifts of \$50 value must be itemized by date, beneficiary, amount or value and nature of the gift.

Note that the Public Ethics law requires the Ethics Commission to notify a public employee if he or she or a member of his or her immediate family is named in a report. The public employee shall have thirty (30) days to file a written exception to the inclusion of his or her name.

PART F. SIGNATURE AND OATH

All activity reports must be signed and dated. If the lobbyist is not an individual, the report must be signed by an authorized officer or agent of the lobbyist. Activity reports that are not properly and completely sworn to will not be accepted as valid submissions.